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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,555	03/23/2005	Erik Landberg	016901-145	4361
21839 7590 10/05/2007 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER MONFELDT, SARAH M	
			ART UNIT 3692	PAPER NUMBER
			NOTIFICATION DATE 10/05/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No. 10/500,555	Applicant(s) LANDBERG, ERIK	
	Examiner Sarah M. Monfeldt	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>30 June 2004</u> . | 6) <input type="checkbox"/> Other: _____  |

***DETAILED ACTION***  
***Status of Claims***

1. This action is in reply to the response to Missing Requirements filed on 23 March 2005.
2. Claims 1-15 are currently pending and have been examined.

***Priority***

3. Acknowledgement is made of a claim for foreign priority under 35 U.S.C. 119(a)-(d) or (f). All copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

***Information Disclosure Statement***

4. The Information Disclosure Statement filed on 30 June 2004 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

***Oath/Declaration***

5. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The specification, i.e. US Application No. 10/500,555, to which the oath or declaration is directed has not been adequately identified. See MPEP § 602.

***Claim Objections***

6. Claims 1-15 are objected to because of the following informalities:
  - a. Claim 1 is directed to "a data network", claims 2-15 depend either directly or indirectly from claim 1 and claims 2-15 recite "an arrangement". Claims 2-15 should therefore recite "The data network according to". Appropriate correction is required.
  - b. Claim 1 recites "an information transfer mode or session" at line 6 and "an authenticating handshake" at line 7. It appears that these recitations have been previously recited in lines 3-4 and 5, respectively. Please note there are similar issues throughout the claims. Appropriate correction is required.

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- c. Claims 1-15 recite agreement, document, text, etc. These terms appear to be referring to the same item. It is recommended applicant chose one term and use the term consistently throughout the claims. Appropriate correction is required.
- d. Claims 1-15 recite entities, persons, etc. These terms appear to be referring to the same thing. It is recommended applicant again chose one term and use the term consistently throughout the claims. Appropriate correction is required.
- e. Claim 8 and 9 recite "his/her". It appears these recitations are directed to either said entities or said persons. Appropriate correction is required.
- f. Claim 1 recites transfer mode or session, it is suggested that applicant choose one term and use the term consistently throughout the claims.
- g. Claim 1 recites electronic signature (signatures). It is unclear whether or not this attempting to recite on or more than one signature. Appropriate correction is required.
- h. Claims 1-15 are replete with similar issues, appropriate correction is required.

*Claim Rejections - 35 USC § 112*

- 7. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - a. Claim 2 recites "a requisite sequential order". This term is vague and indefinite. The specification fails to provide guidance to this recitation. Appropriate correction is required.
  - b. Regarding claims 6, 10-12, the phrase "such as" and "or the like" renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Appropriate correction is required.
  - c. Claim 1 recites the limitation "the remaining entities", "the agreement text", and "said entities" in 18-19. There is insufficient antecedent basis for these limitations in the claim. Please note claims 1-15 are replete with similar issues. Appropriate correction is required.
  - d. Claims 1-15 are replete with 112, second paragraph issues. Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

- 8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 9. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Dziewitt et al. (WO 92/09161).

**Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**Claim 1 -**

As per claim 1, Dziewitt et al., at least at Fig. 1; page 8, lines 3-6 of paragraph 1, lines 7-14 of paragraph 2, 1-6 of paragraph 3; page 9, lines 4-5, 11-15, 18-20 of paragraph 2; page 16, lines 6-8, 11-13 of paragraph 1, lines 1-7 of paragraph 2; page 17, lines 8-11; page 20, lines 8-20 of paragraph 1; page 26, lines 1-12 of paragraph 2; page 28, lines 11-23 of paragraph 1, disclose *a data network related information-carrying and information-transferring arrangement* having the limitations of:

- *a central unit and*
- *a number of slave units that can co-act with a central unit via information transmission,*
  - *wherein an information transfer mode or session, initialised by the central unit in respect of one or more of said slave units, can be preceded by an authenticating handshake procedure established there between, wherein an information transfer mode or session initialised by a chosen slave unit in respect of said central unit shall be preceded by an authenticating handshake procedure established there between,*
  - *where after an electronic document can be sent from a chosen slave unit to the central unit,*
  - *wherein the electronic document applicable to a multilateral agreement and provided with protected text and bearing at least one signature of a number of requisite signatures in respect of a first party can be sent to the central unit,*
  - *wherein the central unit is adapted to automatically check the document in respect of chosen features;*
  - *wherein said check comprises*
    - *at least a check to ascertain that the text of the document is protected,*
    - *a check to ascertain that the electronic signature (signatures) accompanying the document consist of one or more requisite electronic signatures related to one party, and*
    - *a check to ascertain which other electronic signatures are required with respect to a second party in order for the agreement to be valid;*
  - *in that said central unit is adapted to send said document bearing said electronic signature automatically to each of the remaining entities required to sign the agreement text in order for the agreement to be binding;*

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- *in that each of said entities signs the document electronically and returns said document to the central unit, which checks that the text of the document is protected and that the accompanying signatures have been made by authorised persons from both or all parties; and*
- *in that, when the text has been signed by all authorised entities, the central unit automatically activates means for initiating conditions set and chosen in the text.*

**Claim 2 -**

As per claim 2, Dziewitt et al., teach the *data network of claim 1* as described above. Dziewitt et al. at least at page 3, lines 7-10 of paragraph 3, further disclose *a data network* having the limitations of:

- *wherein the document contains or has added thereto information relating to the person or persons that has/have been given the necessary authority by participating parties to endorse and electronically sign said document, and a requisite sequential order.*

**Claim 3 -**

As per claim 3, Dziewitt et al., teach the *data network of claim 1* as described above. Dziewitt et al. at least at page 5, lines 1-7 of paragraph 1, further disclose *a data network* having the limitations of:

- *wherein said document contains one or more instructions and/or one or more agreements.*

**Claim 4 -**

As per claim 4, Dziewitt et al., teach the *data network of claim 1* as described above. Dziewitt et al. at least at page 14, lines 1-17 of the first full paragraph; page 23, lines 6-11 of the second full paragraph; page 28, lines 11-23 of paragraph 1, further disclose *a data network* having the limitations of:

- *wherein the central unit includes first means, for establishing and/or checking whether or not the authority-related information from both or all parties is correct, with the aid of a register accessible to the central unit, wherein, if the authority-related information is correct, the central unit uses second means, that can be activated to enable the central unit to carry out the measures given in the incoming document, in accordance with the instructions or agreements given in said document.*

**Claim 5 -**

As per claim 5, Dziewitt et al., teach the *data network of claim 1* as described above. Dziewitt et al. at least at page 14, lines 1-17 of the first full paragraph; page 23, lines 6-11 of the second full paragraph; page 28, lines 11-23 of paragraph 1, further disclose *a data network* having the limitations of:

- *wherein the document has added thereto information relating to those persons that have the necessary authority to sign the document on behalf of a party, and the electronic address of said persons.*

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**Claim 6 -**

As per claim 6, Dziewitt et al., teach the *data network of claim 1* as described above. Dziewitt et al. at least at page 5, lines 1-7 of paragraph 1; page 30, lines 1-5 of the first full paragraph, further disclose *a data network* having the limitations of:

- *wherein said instructions, related to an economic transaction, is sent to the central unit, a banking institution or the like.*

**Claim 7 -**

As per claim 7, Dziewitt et al., teach the *data network of claim 1* as described above. Dziewitt et al. at least at Fig. 1; page 5, lines 1-2 of paragraph 1, further disclose *a data network* having the limitations of:

- *wherein in that the instructions, sent to the central unit, are related to an agreement between two or more slave units of respective parties.*

**Claim 8 -**

As per claim 8, Dziewitt et al., teach the *data network of claim 7* as described above. Dziewitt et al. at least at page 20, lines 8-20 of the first full paragraph; page 23, lines 1-11 of the second full paragraph; page 28, lines 11-23 of paragraph 1, further disclose *a data network* having the limitations of:

- *wherein the central unit includes or co-acts with third means, functioning to allow said document and/or said instructions or agreements to be copied and sent to each person or entity that shall sign the document with its instructions or agreements electronically in his/her capacity of an authorised person.*

**Claim 9 -**

As per claim 9, Dziewitt et al., teach the *data network of claim 8* as described above. Dziewitt et al. at least at page 20, lines 8-20 of the first full paragraph; page 23, lines 1-11 of the second full paragraph; page 28, lines 11-23 of paragraph 1, further disclose *a data network* having the limitations of:

- *wherein when each person sends his/her copy of the document, bearing instructions or agreements and duly signed electronically by said person in his/her capacity of a person authorised in respect of a first party, the central unit is allowed to send a copy of the thus signed document bearing said instructions or agreements to each authorised person of a second party for signing of the document bearing said instructions or agreements electronically.*

**Claim 10 -**

As per claim 10, Dziewitt et al., teach the *data network of claim 1* as described above. Dziewitt et al. at least at page 20, lines 8-20 of the first full paragraph; page 23, lines 1-11 of the second full paragraph; page 28, lines 11-23 of paragraph 1, further disclose *a data network* having the limitations of:

- *wherein the central unit includes or co-acts with fourth means, for carrying out requisite authority checks in an archive or the like, in which relevant powers of attorney for participating parties are stored.*

**Claim 11 -**

As per claim 11, Dziewitt et al., teach the *data network of claim 10* as described above. Dziewitt et al. at least at page 20, lines 8-20 of the first full paragraph; page 23, lines 1-11 of the second full paragraph; page 28, lines 11-23 of paragraph 1, further disclose *a data network* having the limitations of:

- *wherein said archive includes a number of organisation identities, such as organisation numbers, current e-mail addresses, company seats, certificates relating to private keys of party-associated persons.*

**Claim 12 -**

As per claim 12, Dziewitt et al., teach the *data network of claim 1* as described above. Dziewitt et al. at least at page 20, lines 8-20 of the first full paragraph; page 23, lines 1-11 of the second full paragraph; page 28, lines 11-23 of paragraph 1, further disclose *a data network* having the limitations of:

- *wherein the central unit co-acts with or includes fifth means, for the registration of powers of attorney relating to party-associated persons, wherein the arrangement includes the possibility of altering information stored in said register, such as the duration of an appointment, the activation of a blocking function, and/or the insertion of new information.*

**Claim 13 -**

As per claim 13, Dziewitt et al., teach the *data network of claim 12* as described above. Dziewitt et al. at least at page 20, lines 8-20 of the first full paragraph; page 23, lines 1-11 of the second full paragraph; page 28, lines 11-23 of paragraph 1, further disclose *a data network* having the limitations of:

- *wherein said register includes a number of authority codes.*

**Claim 14 -**

As per claim 14, Dziewitt et al., teach the *data network of claim 13* as described above. Dziewitt et al. at least at page 20, lines 8-20 of the first full paragraph; page 23, lines 1-11 of the second full paragraph; page 28, lines 11-23 of paragraph 1, further disclose *a data network* having the limitations of:

- *wherein said authority codes are structured to enable the determination of conditions that are tied to a chosen instruction or to a chosen agreement.*

**Claim 15 -**



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As per claim 15, Dziewitt et al., teach the *data network of claim 13* as described above. Dziewitt et al. at least at page 20, lines 8-20 of the first full paragraph; page 23, lines 1-11 of the second full paragraph; page 28, lines 11-23 of paragraph 1, further disclose a *data network* having the limitations of:

- *wherein a first authority code denotes that the authority required exists in a signature from each member of the Board; in that a second authority code denotes that the authority required resides in the joint signing of two or more given persons; in that a third authority code denotes that the authority required resides solely in the signature of the Managing Director (routine business matters); in that a fourth authority code denotes that the authority required resides in a message sent to a board member, such as the Chairman of the Board; and in that a fifth authority code denotes that the authority required is a so-called financial power of attorney.*

### ***Double Patenting***

10. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

11. Claims 1-15 are provisionally rejected on the ground of nonstatutory double patenting over claims 1-15 of copending Application No. 10/500,552. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

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The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: Both 10/500,555 and 10/500,552 are claiming a data network related information carrying and information transferring arrangement comprising the same/similar elements and each of the elements configured to function in the same or a similar manner.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah M. Monfeldt whose telephone number is (571)270-1833. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm (EST) ALT Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571)272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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